

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

June 9, 2011

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Quintero – **Presented**

Proclamation of Roosevelt Rugby Team Day – Mayor's Office & Councilmember Quintero – **Read & Presented**

Proclamation of "BRYAN JONES DAY" – Mayor's Office and All Councilmembers – **Read & Presented**

Proclamation of "FRESNO AG HARDWARE DAY" – Mayor's Office – **Read & Presented**

Presentation of Prime Time for Business "Beeline Boxes" – Downtown and Community Revitalization Department – Local Business Initiatives – **Presentation made**

Proclamation of Mykesha Laukford Day – Councilmember Quinter – **Read & Presented**

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of May 26, 2011

Action Taken: Approved

Approve Budget minutes of May 23, 24, 25, and 27, 2011

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Approval of the following actions relating to the headworks makeup air handler unit number three replacement project at the Fresno-Clovis Regional Wastewater Reclamation Facility – Department of Public Utilities
Action Taken: Approved
 - 1. Adopt a Finding of Class 1 and 2 Categorical Exemptions, pursuant to Section 15301 (d) (existing facilities) and 15302 (c) (replacement or reconstruction) of the California Environmental Quality Act (CEQA) Guidelines for the headworks air handler replacement project
Action Taken: Adopted
Award a contract in the amount of \$166,095 to New England Sheet Metal, of Fresno, California, for the headworks makeup air handler replacement
Action Taken: Awarded
- B. **RESOLUTION** - Approving annual participation in the Federal Equitable Sharing Agreement Program for the disposition of funds forfeited in connection with a crime and authorizing the execution of related documents – Police Department
Action Taken: Resolution No. 2011-101 adopted
- C. Authorize the agreement between the City of Fresno and Caltrans to provide a litter clean-up program using inmate labor – Police Department
Action Taken: Discussed & continued 2 weeks
- D. **RESOLUTION** – Amending Resolution No. 2007-289 approving the application for and acceptance of California State Department of Housing and Community Development 2007 Building Equity and Growth in Neighborhoods “BEGIN” Program” grant funds and authorizing execution of documents – Development and Resource Management Dept.
Action Taken: Resolution No. 2011-102 adopted

1. CONSENT CALENDAR CONTINUED

- E. Approve the reappointments of Serop Torossian and Rojelio (Roy) Vasquez to the Planning Commission and Michelle Bronson to the Disability Advisory Commission - Mayor's Office
Action Taken: Approved
- F. * **RESOLUTION** - 501st amendment to Master Fee Schedule (MFS) Resolution No. 80-420 increasing green fees at Riverside Municipal Golf Course - PARCS
Action Taken: Resolution No. 2011-103 adopted
- G. **RESOLUTION** - Dedicating certain City-owned property for public street purposes at various locations on Peach Avenue between Kings Canyon Road and Belmont Avenue. (***Property located in Districts 5 and 7, and in the County of Fresno***) – Public Works Dept.
Action Taken: Resolution No. 2011-104 adopted
- H. Adopt a Finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1 and 15317/Class 17 of the CEQA Guidelines, Environmental Assessment No. EA-11-003 – Public Works Dept.
Action Taken: Adopted
1. **RESOLUTION** - Approving the summary vacation of a portion of a public bicycle path easement along the southwest side of the Burlington Northern and Santa Fe Railroad, east of N. Marty Avenue (***Property located in District 2***)
Action Taken: Resolution No. 2011-105 adopted
- I. Approve an amendment to the agreement with Partners in Control, Inc. for additional energy optimization Programmable Logic Controller (PLC) replacement necessary to integrate the new Citectscada system (wireless communications that reduce energy costs) with the existing optimization PLC in the amount not to exceed \$93,486 and a contingency amount not to exceed \$24,648 for optional Commissioning work and authorize the Director of Public Utilities or his designee to execute the amendment to the agreement on behalf of the City (***City-wide***) – Department of Public Utilities
Action Taken: Approved
- J. Adopt a Finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1, 15302/Class 2, 15303/Class 3, 15311/Class 11 and 15332/Class 32 of the CEQA Guidelines, Environmental Assessment No. C-10-194 – Public Works Department
Action Taken: Adopted
1. **RESOLUTION** - Approving the summary vacation of portions of a public utility easement bounded by N. Blackstone Avenue, E. White Avenue, N. Abby Street and State Route Freeway 180 (***Property located in District 3***)
Action Taken: Resolution No. 2011-106 adopted
- K. Award a contract in the amount of \$418,638 to Grizzly Construction for the construction of wellhead treatment improvements at Pump Station 36 (***Property located in District 5***) – Dept. of Public Utilities
Action Taken: Awarded
- L. Award a contract in the amount of \$144,000 to Steve Dovali Construction for the construction of well site improvements at Pump Station 358 (***Property located in District 1***) – Dept. of Public Utilities
Action Taken: Awarded
- M. Approve an amendment to the contract with Taylor Teter Partnership, LLP, for increased scope as part of the Secondary Process Operations Building (SPOB) upgrade and new vehicle/equipment storage facility design located at the Fresno/Clovis Regional Wastewater Reclamation Facility (RWF) for a net increase of \$29,000 (***Property located in District 3***) – Dept. of Public Utilities
Action Taken: Approved
- N. Approve the second amendment to license agreement with GoldenState Towers, LLC adding four (4) extensions of five (5) years each (***Property located in District 6***) – PARCS
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- O. Approve and ratify amendment to contract for \$35,362 with Fresno County Office of Education for the Parks, After School, Recreation and Community Services Department to provide additional services for the Fresno BEST program at Orange Center Middle School running through June 30, 2011 - PARCS
Action Taken: Approved
2. * **RESOLUTION** – 97th amendment to the Annual Appropriation Resolution No. 2010-138 appropriating \$35,400 in the Parks, After School, Recreation and Community Services Department to provide additional services for the Fresno BEST program at Orange Center Middle School running through June 30, 2011 (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2011-107 adopted
- P. Authorize the Fire Chief to extend the contract with Digital Sandbox, McLean, VA, providing professional consulting services – Fire Dept.
Action Taken: Authorized
- Q. Adopt a Finding of Class 1 Categorical Exemption, pursuant to Section 15301(b) (existing facilities) of the California Environmental Quality Act Guidelines- Department of Public Utilities
Action Taken: Adopted
1. Award a \$119,960 contract to Wastewater Solids Management, Inc. of Yachats, Oregon, for the digester #2 cleaning at the Fresno/Clovis Regional Wastewater Reclamation Facility (**Property located in District 3**)
Action Taken: Awarded
- R. * **RESOLUTION** – 98th amendment to Annual Appropriation Resolution No. 2010-138 appropriating \$3,500 in revenue donated by Council President Brand for use in the District 6 operating budget (**Requires 5 affirmative votes**) – City Manager's Office
Action Taken: Resolution No. 2011-108 adopted

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:15 A.M. **GENERAL ADMINISTRATION**

- A. **RESOLUTION** - Declaring the City Council's intention to approve a non-exclusive roll-off franchise system to regulate roll-off haulers and award franchises to the companies listed on attachment a to exhibit a in preparation for a public hearing on the matter and final vote to approve the non-exclusive roll-off franchise system on June 30, 2011 @ 3:00 p.m. – Dept. of Public Utilities
Action Taken: Resolution No. 2011-109 adopted
- B. * **RESOLUTION** – 92nd amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$1,581,900 for supplemental refunds and reimbursements to approved developers and for legal costs associated with the Urban Growth Management (UGM) and development impact fee programs (**Requires 5 affirmative votes**) – Public Works Department
Action Taken: Resolution No. 2011-110 adopted
- C. * **RESOLUTION** – 100th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$843,300 for supplemental refunds and reimbursements from available funds to approved developers (**Requires 5 affirmative votes**) - Public Works Department
Action Taken: Resolution No. 2011-111 adopted
- D. **RESOLUTION** - Authorizing submittal of grant applications and acceptance of up to \$11,000,000 in Statewide Park Development and Community Revitalization Funds from the State of California Department of Parks and Recreation (Proposition 84 Round II) - PARCS
Action Taken: Resolution No. 2011-112 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M.

GENERAL ADMINISTRATION CONTINUED

- E. Authorize the Interim Director of the Development and Resource Management Department to expand the professional services agreement with the firm of Dyett & Bhatia Urban and Regional Planners approved by City Council August 19, 2010 to include an additional amount not to exceed \$700,000 to complete the technical studies related to the Fresno 2035 General Plan and development code update as approved and funded by the City's grant award from Proposition 84 administered by the California Strategic Growth Council – Development and Resource Management Dept.

Action Taken: Authorized

1. * **RESOLUTION** - 103rd amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$700,000 in Proposition 84 funds in the Development and Resource Management Department to provide professional services related to the Fresno 2035 General Plan and development code update (**Requires 5 affirmative votes**)

Action Taken: Resolution No. 2011-113 adopted

- F. Approval of the following actions relating to the dewatering facility upgrade at the Fresno-Clovis Regional Wastewater Reclamation Facility – Dept. of Public Utilities

1. Adopt a Finding of Mitigated Negative Declaration, pursuant to Section 15178(b)(1) and (2) of the California Environmental Quality Act (CEQA) Guidelines

Action Taken: Adopted

2. * **RESOLUTION** – 99th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$14,646,300 for construction of the dewatering facility upgrade (**Requires 5 affirmative votes**)

Action Taken: Resolution No. 2011-114 adopted

3. Award a contract in the amount of \$14,531,279 to Western Water Constructors, Inc. of Santa Rosa, California, a California corporation for construction of the dewatering facility upgrade as the lowest responsive and responsible bidder

Action Taken: Awarded

- G. Adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15301 Class 1 (existing facilities) and Section 15302 Class 2 (replacement or reconstruction) of the California Environmental Quality Act Guidelines for remodel of the FAX Handy Ride operations facility at 4488 N. Blackstone, Fresno California – Transportation Department

Action Taken: Adopted

1. Award a contract to Fortune-Ratliff in the amount of \$994,412 for construction services on the Handy Ride operations facility at 4488 N. Blackstone, Fresno, California – Transportation Department

Action Taken: Awarded

10:00 A.M.

CITY COUNCIL

- A. **RESOLUTION** – In support of the San Joaquin Valley Water Reliability Act – Acting President Olivier

Action Taken: Removed from the agenda

- B. **RESOLUTION** - Approve Council Management & Transparency Policy for the City Attorney's Office – Councilmember Borgeas

Action Taken: Resolution No. 2011-115 adopted

- C. Recommend Council approve amendments to Charter Review Committee - Councilmember Borgeas

Action Taken: Continued to 3 p.m.

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision (c)
1. **Case Name:** Potential litigation against Moore Iacofano Goltsman, Inc. (MIG) and URS, Inc.
Action Taken: Held
- B. **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
1. **Case Name:** City of Fresno and the Redevelopment Agency v. Fresno County Economic Opportunities Commission (EOC) ("EOC Gymnasium")
Action Taken: Held
- C. **CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6
City Negotiators: Ken Phillips, Terry Bond
Employee Organizations: IUOE, Stationary Engineers, Local 39 (L39)
Fresno City Employees Association (FCEA)
Fresno Police Officers Association (FPOA Basic)
International Association of Firefighters, Local 753 (IAFF Basic)
Amalgamated Transit Union, Local 1027 (ATU)
International Brotherhood of Electrical Workers, Local 100 (IBEW)
Fresno Police Officers Association (FPOA Management)
International Association of Firefighters, Local 753 (IAFF Management)
City of Fresno Professional Employees Association (CFPEA)
City of Fresno Management Employees Association (CFMEA)
Fresno Airport Public Safety Supervisors (FAPSS)
Action Taken: Held

3:00 P.M.

SPECIAL MEETING NOTICE:

- A. **RESOLUTION** - Recommend Council approve amendments to Charter Review Committee - Councilmember Borgeas
Action Taken: Resolution No. 2011-116 adopted

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

June 9 -	MEETING	8:30 A.M.
June 16 -	10:00 A.M.	HEARING re: CFD No. 11, Annexation 43, Tract No. 5838
June 16 -	10:15 A.M.	HEARING re: Plan Amendment No. A-10-08, Sphere of Influence Application S01-10-01, filed by Dirk Poeschel Land Development
June 16 -	5:30 P.M.	PUBLIC HEARING regarding the 2011-2012 City of Fresno budget
June 20 - Mon.	5:00 P.M.	HEARING re: resolution to franchise Commercial Solid Waste (<i>Special meeting</i>)
June 23 -	10:00 A.M.	HEARING re: CUP No. C-04-018, southeast Walmart expansion
June 30 -	3:00 P.M.	PUBLIC PROTEST HEARING and approval of items related to non-exclusive roll-off collection franchise system

Please Note: *Department budgets will generally be considered as listed below. Members of the public will be allowed to address the Council regarding the budget and will be allowed two (2) minutes. Please be advised consideration of some departments may be continued to the next scheduled hearing date if discussions run long, and other departments may be considered in advance of the date and time listed.*

June 16 -	5:30 P.M.	PUBLIC HEARING regarding the 2011-2012 City of Fresno budget
June 20 -		Redevelopment Agency, Motions/votes
June 21 -		Motions/votes
June 22 -		Motions/votes
June 23 -		Motions/votes <i>(If required)</i>
June 24 -		Adoption of the Fiscal Year 2011-2012 Budget
June 28 -		Spillover <i>(If needed)</i>